

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

 ESTATE OF ROGER D. :
 OWENSBY JR., et al., :
 :
 Plaintiffs, :
 vs. : Case No. 01-CV-769
 : (Judge S. A. Spiegel)
 CITY OF CINCINNATI, :
 et al., :
 :
 Defendants. :

Videotaped deposition of ROBERT BLAINE JORG, a
 defendant herein, called by the plaintiffs for
 cross-examination, pursuant to the Federal Rules of
 Civil Procedure, taken before me, Wendy Davies
 Welsh, a Registered Diplomate Reporter and Notary
 Public in and for the State of Ohio, at the offices
 of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
 Walnut Centre, 105 East Fourth Street, Cincinnati,
 Ohio, on Tuesday, October 14, 2003, at 10:12 a.m.

<div>Page 2</div> <div>1 APPEARANCES:</div> <div>2 On behalf of the Plaintiffs:</div> <div>3 Paul B. Martins, Esq.</div> <div>4 Don Stiens, Esq.</div> <div>5 Helmer, Martins & Morgan Co. LPA</div> <div>6 Suite 1900, Fourth & Walnut Centre</div> <div>7 105 East Fourth Street</div> <div>8 Cincinnati, Ohio 45202</div> <div>9 Phone: (513) 421-2400</div> <div>10 John J. Helbling, Esq.</div> <div>11 The Helbling Law Firm, L.L.C.</div> <div>12 3672 Springdale Road</div> <div>13 Cincinnati, Ohio 45251</div> <div>14 Phone: (513) 923-9740</div> <div>15 On behalf of the Defendants City of Golf Manor,</div> <div>16 Stephen Tilley, Roby Heiland and Chris</div> <div>17 Campbell:</div> <div>18 Lynne Marie Longtin, Esq.</div> <div>19 Rendigs, Fry, Kiely & Dennis</div> <div>20 900 Fourth & Vine Tower</div> <div>21 One West Fourth Street</div> <div>22 Cincinnati, Ohio 45202-3688</div> <div>23 Phone: (513) 381-9200</div> <div>24 On behalf of Defendants City of Cincinnati,</div> <div>25 Darren Sellers, Jason Hodge:</div> <div>26 Geri Hernandez Geiler, Esq.</div> <div>27 Assistant City Solicitor</div> <div>28 and</div> <div>29 Julie F. Bissinger, Esq.</div> <div>30 Chief Counsel</div> <div>31 Department of Law</div> <div>32 Room 214, City Hall</div> <div>33 801 Plum Street</div> <div>34 Cincinnati, Ohio 45202</div> <div>35 Phone: (513) 352-3346</div>	<div>Page 4</div> <div>1 S T I P U L A T I O N S</div> <div>2 It is stipulated by and among counsel for the</div> <div>3 respective parties that the deposition of ROBERT</div> <div>4 BLAINE JORG, a defendant herein, called by the</div> <div>5 plaintiffs for cross-examination, pursuant to the</div> <div>6 Federal Rules of Civil Procedure, may be taken at</div> <div>7 this time by the notary; that said deposition may be</div> <div>8 reduced to writing in stenotype by the notary, whose</div> <div>9 notes may then be transcribed out of the presence of</div> <div>10 the witness; and that proof of the official</div> <div>11 character and qualifications of the notary is</div> <div>12 expressly waived.</div> <div>13 - - -</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div>
<div>Page 3</div> <div>1 APPEARANCES (Continued):</div> <div>2 On behalf of the Defendants Robert B. Jorg,</div> <div>3 Patrick Caton, Jason Hodge, Victor Spellen and</div> <div>4 Darren Sellers:</div> <div>5 Donald E. Hardin, Esq.</div> <div>6 Hardin, Lefton, Lazarus & Marks, LLC</div> <div>7 915 Cincinnati Club Building</div> <div>8 30 West Garfield Place</div> <div>9 Cincinnati, Ohio 45202</div> <div>10 Phone: (513) 721-7300</div> <div>11 Also present:</div> <div>12 Richard W. Grubb, Videographer</div> <div>13 Lisa Damstrom, Law Clerk</div> <div>14 Helmer, Martins & Morgan Co., L.P.A.</div> <div>15 Wendy M. Weller, Paralegal</div> <div>16 Buckley King</div> <div>17 Mr. Roger Owensby</div> <div>18 Mrs. Brenda Owensby</div> <div>19 Mr. Shawn Owensby</div> <div>20 Patrick Edmund Caton</div> <div>21 Victor Spellen</div> <div>22</div> <div>23</div> <div>24</div>	<div>Page 5</div> <div>1 I N D E X</div> <div>2 Examination by: Page</div> <div>3 Mr. Martins 6</div> <div>4 Ms. Longtin 227</div> <div>5 - - -</div> <div>6 E X H I B I T S</div> <div>7 Plaintiffs' Exhibit 1 Page</div> <div>8 Plaintiffs' Exhibit 2 18</div> <div>9 Plaintiffs' Exhibit 3 25</div> <div>10 Plaintiffs' Exhibit 4 48</div> <div>11 Plaintiffs' Exhibit 5 48</div> <div>12 Plaintiffs' Exhibit 6 51</div> <div>13 Plaintiffs' Exhibit 7 58</div> <div>14 Plaintiffs' Exhibit 8 72</div> <div>15 Plaintiffs' Exhibit 9 86</div> <div>16 Plaintiffs' Exhibit 10 107</div> <div>17 Plaintiffs' Exhibit 11 132</div> <div>18 Plaintiffs' Exhibit 12 161</div> <div>19 Plaintiffs' Exhibit 13 165</div> <div>20 Plaintiffs' Exhibit 14 178</div> <div>21 Plaintiffs' Exhibit 15 199</div> <div>22 Plaintiffs' Exhibit 16 201</div> <div>23 Plaintiffs' Exhibit 17 206</div> <div>24 Plaintiffs' Exhibit 17 212</div> <div>25 - - -</div> <div>26</div> <div>27</div> <div>28</div> <div>29</div> <div>30</div> <div>31</div> <div>32</div> <div>33</div> <div>34</div> <div>35</div>

Estate of Owensby vs. City of Cincinnati
October 14, 2003

ROBERT BLAINE JORG

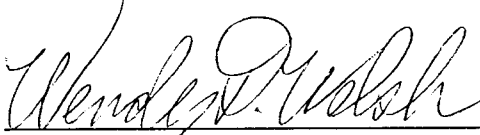
<p style="text-align: right;">Page 98</p> <p>1 what was relayed to me.</p> <p>2 Q. Was this on November 7th?</p> <p>3 A. Before.</p> <p>4 Q. Do you know how much before?</p> <p>5 A. No.</p> <p>6 Q. So this is some report that you had</p> <p>7 received that there was a drive-by shooting -- do</p> <p>8 you know where the shooting took place?</p> <p>9 A. Somewhere up in Huntington Meadows area.</p> <p>10 Q. And that somebody involved in the shooting</p> <p>11 had a nickname of LA?</p> <p>12 A. Correct.</p> <p>13 Q. Did you have any information that the</p> <p>14 person doing the shooting was --</p> <p>15 A. No.</p> <p>16 Q. -- went by the name of LA?</p> <p>17 A. No.</p> <p>18 Q. All right. Please continue. So you're at</p> <p>19 the window.</p> <p>20 A. So we walked to the front, and like I</p> <p>21 said, I grabbed my night stick out of the holder of</p> <p>22 my car to catch up to him, I never put it away. I</p> <p>23 walk in front of the store, put it in my holder, and</p> <p>24 I'm standing there waiting for Mr. Owensby to step</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. And what -- what did he say?</p> <p>2 A. I believe he did say Roger Owensby. I</p> <p>3 believe he did. I don't --</p> <p>4 Q. And then -- sorry.</p> <p>5 A. I don't exactly remember.</p> <p>6 Q. And then, as to where does he live, did he</p> <p>7 answer that question?</p> <p>8 A. I think he said, "Not around here."</p> <p>9 Q. Did he give any more -- did you follow up</p> <p>10 and say, well, okay, if not around here, where?</p> <p>11 A. I believe so. Like I said, it's been a</p> <p>12 long time. I don't remember the exact question I</p> <p>13 asked.</p> <p>14 Q. And do you recall if he gave you any</p> <p>15 further information, as far as where he lived?</p> <p>16 A. No.</p> <p>17 Q. Was he cooperative with you?</p> <p>18 A. At first.</p> <p>19 Q. Respectful?</p> <p>20 A. Yes.</p> <p>21 Q. Continue. What else happens?</p> <p>22 A. I told him that we were looking for a</p> <p>23 particular subject that ran from the police, and</p> <p>24 that person has been known to carry a firearm. Was</p>
<p style="text-align: right;">Page 99</p> <p>1 out so we can talk to him.</p> <p>2 When he steps out, I ask him if he can</p> <p>3 talk to -- to me for a minute. He's -- he complies.</p> <p>4 I have him go ahead and put his drink down.</p> <p>5 Q. Was that the only thing in his hands, the</p> <p>6 drink?</p> <p>7 A. I believe so.</p> <p>8 Q. Okay.</p> <p>9 A. That was the only thing in his hand.</p> <p>10 Q. Where is Officer Caton and Officer Hunter</p> <p>11 at this point?</p> <p>12 A. I don't remember. That night, I don't</p> <p>13 remember where exactly they were until I went to put</p> <p>14 on handcuffs. But keep in mind, I have seen the</p> <p>15 video, so some of that plays in on where they were</p> <p>16 at.</p> <p>17 Q. All right. Continue.</p> <p>18 A. I asked him if we can talk to him for a</p> <p>19 minute. He says sure. I ask him what his name is,</p> <p>20 where he lives, typical first questions on</p> <p>21 something.</p> <p>22 Q. Well, let's take the first question, as</p> <p>23 far as his name. Did he answer you?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 101</p> <p>1 he armed? And he said no. And he starts to pull up</p> <p>2 his shirt to show us that he's not carrying a</p> <p>3 weapon. I told him to hold on. You know, there's a</p> <p>4 way we do this. Do you mind if I pat you down? He</p> <p>5 says no. I pat him down for weapons. I find none.</p> <p>6 I continue my conversation with him.</p> <p>7 The exact line of questions, who asked</p> <p>8 what between me and Officer Caton, I don't recall</p> <p>9 who asked what particular question.</p> <p>10 Q. Do you recall, though, what questions were</p> <p>11 asked?</p> <p>12 A. Has he ever run from the police, has he</p> <p>13 ever struck a police officer or something of that</p> <p>14 nature.</p> <p>15 Q. And what was his answer?</p> <p>16 A. He did not. Ever having run from any</p> <p>17 other police officer, no. He said he hasn't run in a</p> <p>18 while -- I don't remember what exactly he responded,</p> <p>19 and I don't want to --</p> <p>20 Q. How about striking a police officer, did</p> <p>21 he give you an answer to that?</p> <p>22 A. I don't remember if he did or not.</p> <p>23 Q. Please continue.</p> <p>24 A. At some point in the interview either I or</p>

AFFIDAVIT

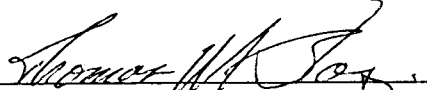
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STATE OF OHIO :
: SS
COUNTY OF HAMILTON :

I, Wendy Davies Welsh, Notary Public in and for the State of Ohio,
do hereby state that the transcript of the deposition of
Robert B. Jorg, deponent herein, having been submitted
to said deponent for review and signature, has not been signed
within the thirty (30) day period allowed under the Federal Rules; said
deposition to now have the same force and effect as though signed.


Wendy Davies Welsh, Court Reporter

Sworn to before me this 5th day of January, 2004


Thomas M. Blasing
Notary Public - State of Ohio
My commission expires: May 4, 2004